

REMARKS

The Office Action dated May 19, 2008, has been received and carefully reviewed. The preceding amendments and the following remarks form a full and complete response thereto. Claims 1-27 are amended as to matters of form only. A substitute specification as submitted herewith as well corrected minor errors. No new matter is added. Claims 1-27 are pending in the application and are submitted for reconsideration

Claims 8-19 and 25-27 were determined to recite allowable subject matter.

An objection was made to drawings as failing to comply with 37 C.F.R. § 1.84(p)(4). Corrected drawings Figures 1-9 are submitted herewith. Snap element 42 has been changed to --56-- throughout, and formalities have been corrected. Applicant submits that the drawings comply with the requirements of 37 C.F.R. § 1.84(p)(4) and requests that the objection be withdrawn.

Objections were made to the Specification and Abstract. The Specification and Abstract have been amended herein to address each and every concern set forth in the Office Action. A Substitute Specification is attached hereto, include marked-up and clean copies. No new matter is added. Applicant requests that the objections be withdrawn.

Claims 19, 21, 25 and 26 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the term "fastening elements" was determined to lack antecedent basis. The dependency of claims 19, 21, 25 and 26

has been amended to claim 13, which recites fastening elements. Thus, claims 19, 21, 25 and 26 comply with the requirements of 35 U.S.C. §112. Accordingly, the Applicant requests that the rejection be withdrawn.

Claims 1, 2, and 20-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over German Patent No. 202 01 411 U1 to Kuhr in view of U.S. Patent No. 1,541,791 issued to Christofferson. Applicant respectfully traverses the rejection and submit that claims 1, 2, 20, 21 and 22-24 recite subject matter that is not disclosed or suggested by Kuhr in view of Christofferson.

Claim 1, upon which claims 2, and 20-24 depend, defines a motor vehicle having at least one displaceable roof section which when closed abuts a windshield frame at the front of the vehicle and has lateral outer areas that respectively abut a support, with at least part of the supports being displaceable in lateral columns of the windshield frame to form an open roof section. The supports are guided in a receiving channel formed by the assigned lateral column of the windshield frame in the area of the end of said supports at the front of the vehicle and in the area of said supports lying in the exit region from the upper end of the lateral column, respectively by means of a roller bearing without play and at a defined distance from the wall of the receiving channel.

Kuhr and Christofferson fail to disclose each of the limitations of claim 1. For instance, neither reference discloses the claim features relating to the area of the end of the supports at the front of the vehicle and supports lying in the exit region from the

upper end of the lateral column, which are provided respectively with means of a roller bearing (e.g., 13 and 14) without play and that a defined difference from the wall of the receiving channel. That is, the prior art references merely disclose roller bearings for preventing friction and fail to disclose the position where such roller bearings should be disposed in a motor vehicle, as defined by claim 1 of the present application. Thus, for this reason, the rejection is improper.

Moreover, Christofferson (filed in 1921) relates to a bearing of bars used for a mechanical interlocking system of railway switches and signals. These bars are placed in protecting pipes and manually movable in longitudinal direction in order to operate railway switches and signals (e.g., col. 2, lines 89-96 of Christofferson). Bars of railway switches are simply not within the same field of the endeavor as the present invention and there is no reasonable basis for combining Christofferson with other references in order to derive the present invention and such combination could only be made with the benefit of improper hindsight analysis. It is not apparent what would have motivated the skilled person to combine Christofferson with Kuhr, and lacking any indication the skilled person would not arrive at the solution as claimed. Thus, for the separate, independent reason, the rejection is improper.

Thus, for the foregoing reasons, Applicant submits that the rejection is improper and requests withdrawal of the same.

Claims 1 and 3-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kuhr in view of U.S. Patent No. 3,749,455 issued to Meier.

Applicant respectfully traverses the rejection and submits that claims 1 and 3-7 recite subject matter that is not disclosed or suggested by Kuhr or Meier.

Claims 3-7 depend upon claim 1. Meier fails to disclose each of the limitations of claim 1 and therefore, fails to cure the deficiencies of Kuhr. For instance, Meier fails to disclose the claim features relating to the area of the end of the supports at the front of the vehicle and supports lying in the exit region from the upper end of the lateral column, which are provided respectively with means of a roller bearing (e.g., 13 and 14) without play and that a defined difference from the wall of the receiving channel. That is, Meier merely relates to a bearing in general with no indication of being suitable for solving the above mentioned problem with which the inventor was involved.

Thus, for this reason, the rejection is improper and must be withdrawn.

In view of the above, all objections and rejections have been sufficiently addressed. The Applicant submits that the application is now in condition for allowance and request that claims 1-27 be allowed and this application passed to issue.

In the event that this paper is not timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

Respectfully submitted,

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Date

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